Please replace Claim 23 with the following amended claim:

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23. (Amended) A method of producing cartilage at a cartilage defect *in vivo*, said method comprising:

implanting into the defect a population of chondrogenic cells which have been cultured in the presence of a composition according to Claim 1.

Please cancel Claims 27, 28, and 29 without prejudice or disclaimer.

Remarks

Claims 1-29 are pending in this application. Applicants have cancelled Claims 27-29 without prejudice or disclaimer to the filing of a divisional application. The Office Action has subjected the claims to a restriction as discussed below.

The Office Action states that the pending claims are drawn to three distinct inventions as follows:

A) **Group I** (Claims 1-15, 17-21 and 24-26): Drawn to a composition comprising a RAR antagonist and a carrier and methods comprising administering a RAR composition;

B) **Group II** (Claim 16): Drawn to a method for producing a chondrocyte;

C) **Group III** (Claim 22 and 27): Drawn to a prosthetic device and method comprising coating regions of an implantable prosthesis with a RAR antagonist composition;

D) **Group IV** (Claim 23): Drawn to a method comprising implanting chondrogenic cells; and

E) **Group V** (Claims 28-29): Drawn to methods comprising inhibiting RAR activity and transcriptional activation.

In response to the Restriction Requirement, Applicants elect the claims of Group I (Claims 1-15, 17-21 and 24-26, drawn to a composition comprising a RAR antagonist and a carrier and methods comprising administering a RAR composition). Applicants have amended Claims 16, 22, and 23 such that these claims are also drawn to methods comprising administering a RAR composition. Thus, reconsideration of the restriction requirement as to Groups II through IV is respectfully requested. It is respectfully submitted that a search of

these groups would overlap with a search of Group I, hence grouping these claims together would not present an undue burden to the USPTO. Therefore, Applicants respectfully request that the Examiner reconsider the Restriction Requirement. It is respectfully submitted that this application is in condition for substantive examination, which action is respectfully requested.

Respectfully submitted,

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Registration No. 31,665

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PATENT TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on December 11, 2002.

Vickie Diane Prior
Date of Signature: December 11, 2002

Version With Markings To Show Changes Made

In the Claims:

Please amend Claim 16 as follows:

16. (Amended) A method for producing a chondrocyte from a chondroprogenitor mesenchymal cell comprising contacting said chondroprogenitor mesenchymal cell with a composition according to Claim 1 **[an RAR antagonist agent]** *in vitro*.

Please amend Claim 22 as follows:

22. (Amended) A method for aiding the attachment of implantable prosthesis at cartilaginous **[cartilageous]** sites and for maintaining the long term stability of the prosthesis in vertebrates, wherein the method comprises **[comprising]** coating selected regions of an implantable prosthesis with a composition according to Claim 1 **[RAR antagonist composition]** and implanting the coated prosthesis into a cartilaginous **[cartilageous]** site wherein such implantation promotes the formation of new cartilage tissue.

Please amend Claim 23 as follows:

23. (Amended) A method of producing cartilage at a cartilage defect *in vivo*, said method comprising:

implanting into the defect a population of chondrogenic cells which have been cultured in the presence of a composition according to Claim 1 **[RAR antagonist]**.

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